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Amendment No. 2 to HB3168

Kisber

Signature of Sponsor

AMEND Senate Bill No. 3210

House Bill No. 3168*

By deleting all of the language of the printed bill after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 55-50-311, is amended by deleting such section in its entirety and by substituting instead the following:

Section 55-50-311.

(a)(1) Any person who is fifteen (15) years of age or older, who has successfully passed the standard written test and visual examination for applicants of a state automotive license, and who has the written approval of such person's parent or legal guardian may be issued a learner permit by the department of safety. A learner permit shall allow such person to operate a motor vehicle whenever such person is accompanied by a person who is at least twenty-one (21) years of age and is licensed to operate a motor vehicle. A person with a learner permit shall not operate a motor vehicle from 10:00 p.m. to 6:00 a.m.

(2) In addition to any other fees authorized by this chapter for the issuance of a learner permit, any person issued a learner permit under the provisions of this section shall pay a five dollar (\$5.00) learner permit fee.

(b)(1) A person may be issued an intermediate driver license if such person is sixteen (16) years of age or older and has:

(A) Passed a driver license examination pursuant to the provisions of § 55-50-322;

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

Amendment No. 2 to HB3168**Kisber****Signature of Sponsor****AMEND Senate Bill No. 3210****House Bill No. 3168***

(B) Had a learner permit for not less than one hundred eighty (180) days;

(C) Not accumulated six (6) or more points pursuant to the driver improvement program established in § 55-50-505 during the one hundred eighty (180) day period immediately preceding application;

(D) Presented certification by a parent, legal guardian or licensed instructor that such person has accumulated a minimum of fifty (50) hours of behind-the-wheel driving experience, including a minimum of ten (10) hours driving experience at night; and

(E) Successfully demonstrated such person's ability to exercise ordinary and reasonable control in the operation of an automobile.

(2) Notwithstanding subdivision (1), a person may be issued an intermediate driver license if such person is sixteen (16) years of age or older and has been licensed to drive in another state for at least ninety (90) days.

(3) In addition to any other fees authorized by this chapter for the issuance of an intermediate driver license, any person issued an intermediate driver license under the provisions of this section shall pay a five dollar (\$5.00) intermediate driver license fee.

Amendment No. 2 to HB3168

**Kisber
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FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 3210

House Bill No. 3168*

(c)(1) The intermediate driver license issued pursuant to the provision of this section shall be a regular Class D license; provided, that the word "INTERMEDIATE" is prominently printed thereon.

(2) Except as otherwise provided by this section, a driver may apply for an unrestricted driver license one (1) year after receiving an intermediate driver license. All restrictions on vehicle operation pursuant to subsection (e) shall remain in full effect until such time as successful application is made to the department for an unrestricted driver license. Upon successful application, the department shall issue an adhesive sticker to be affixed to the back of the intermediate driver license noting that such intermediate restrictions have been removed.

(3) Upon attaining the age of eighteen (18) years, any licensee may obtain a license without the word "INTERMEDIATE" and sticker as required above by paying the fee for a duplicate license. However, no person shall be required to obtain such duplicate license, until such license expires.

(d) The department of safety shall promulgate certificates to be completed by a driver with a valid unrestricted driver license pursuant to subsection (b)(1)(D). For the purposes of issuing an intermediate driver license the department of safety shall only accept certificates promulgated by the department for this purpose.

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

Amendment No. 2 to HB3168

Kisber

Signature of Sponsor

AMEND Senate Bill No. 3210

House Bill No. 3168*

(e)(1) A person issued an intermediate driver license shall not operate a motor vehicle from 11:00 p.m. to 6:00 a.m. unless:

(A) Accompanied by a parent or legal guardian;

(B) Accompanied by a licensed driver over the age of twenty-one (21) designated by the parent or legal guardian;

(C) Driving to or from scheduled specifically-identified school-sponsored activities and events, if such driver has in his or her possession written permission from such driver's parent or legal guardian authorizing the driver to go to or from such specifically-identified scheduled school-sponsored activities and events; or

(D) Driving to or from full, or part-time employment, if such driver has in his or her possession written permission from such driver's parent or legal guardian identifying the location of employment and authorizing the driver to go to or from such employment.

(2) In addition to the provisions of subdivision (1), a person issued an intermediate driver license shall not operate a motor vehicle with more than one (1) passenger in such motor vehicle unless:

(A) One (1) or more of the passengers are twenty-one (21) years of age or older and possess a valid unrestricted driver license; or

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

Amendment No. 2 to HB3168

Kisber

Signature of Sponsor

AMEND Senate Bill No. 3210

House Bill No. 3168*

(B) The passengers are brothers, sisters, stepbrothers or stepsisters of the driver, including adopted or foster children residing in the same household of the driver, and the driver has in his or her possession a letter from the driver's parent or legal guardian authorizing such passengers to be in the motor vehicle for the sole purpose of going to or from school.

(f)(1) If the driver accumulates six (6) or more points pursuant to the driver improvement program established in § 55-50-505 after the issuance of an intermediate driver license, the driver shall be ineligible to apply for an unrestricted driver license for an additional ninety (90) days from the time such driver would otherwise be eligible to obtain such license;

(2)(A) Upon conviction for a moving violation, a motor vehicle accident in which a person with an intermediate driver license is at fault, or a second safety belt violation pursuant to Section 3 of this act, the driver shall be ineligible to apply for an unrestricted driver license for an additional period of ninety (90) days from the time such driver would otherwise be eligible to obtain such license.

(B) If the department receives notification of such conviction after successful application for an unrestricted driver license has been made, the department has the authority to suspend such license for ninety (90) days and may re-issue the driver an intermediate driver license for such period.

Amendment No. 2 to HB3168

**Kisber
Signature of Sponsor**

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 3210

House Bill No. 3168*

(3) Upon a second conviction for a moving violation, a person shall complete a certified driver education course before such person is eligible to obtain an unrestricted driver license.

(4) For the purpose of determining the date of a moving violation or a safety belt violation, the date of the conviction or the receipt of a plea of guilty shall be used.

(g) In addition to any other penalty, a fine of ten dollars (\$10.00) shall be imposed upon conviction for a violation of any provision of this section.

(h) Any driver who has a forged or fraudulent letter or other written statement of approval shall be in violation of this act and shall, upon conviction, have such driver's intermediate license revoked and be issued a learner permit until such driver reaches the age of eighteen (18). Upon reaching the age of eighteen (18), such driver may apply for an unrestricted license if such driver meets all of the other requirements of this chapter.

(i)(1) The provisions of this section shall not apply to any person under the age of eighteen (18) who has graduated from high school. A person under the age of eighteen (18) who has graduated from high school may, if such person otherwise meets the requirements of this chapter, obtain an unrestricted license.

(2) The provisions of this section shall not apply to any person eighteen (18) years of age or older. A person eighteen (18) years of age or older may, if such person otherwise meets the requirements of this chapter, obtain an unrestricted license.

Amendment No. 2 to HB3168

**Kisber
Signature of Sponsor**

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 3210

House Bill No. 3168*

SECTION 2. The court in which a conviction is entered for a moving violation, a motor vehicle accident, or a second safety belt violation pursuant to Section 3 of this act shall send notification of such conviction to the designated parent or legal guardian of a person with a learner permit or intermediate driver license.

SECTION 3. Tennessee Code Annotated, Section 55-9-603, is amended by adding the following as a new subsection thereto:

() Notwithstanding the provisions of subsection (b), no person with a learner permit or an intermediate driver license shall operate a passenger motor vehicle in this state unless such person and all passengers four (4) years of age or older are restrained by a safety belt at all times the vehicle is in forward motion.

SECTION 4. The intermediate driver license issued to a person shall be of the same type issued to all qualified drivers within this state and shall be valid for a similar number of years; provided, that the word "INTERMEDIATE" shall be prominently printed on the front thereof. The commissioner shall determine the appropriate placement and size of the "INTERMEDIATE" restriction.

SECTION 5. The commissioner shall, upon receiving an accident report of an accident occurring in this state which has resulted in death, and upon determining there is a reasonable possibility of a judgment, adjudication or conviction against an operator who has an intermediate driver license, revoke the license of the operator and shall issue to such operator a learner permit. Such operator shall retain a learner permit until

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Kisber
Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 3210

House Bill No. 3168*

the operator reaches the age of eighteen (18). Upon reaching the age of eighteen (18) a driver can apply for an unrestricted driver license.

SECTION 6. Tennessee Code Annotated, Section 55-50-312(a), is amended by deleting subdivision (3) in its entirety.

SECTION 7. Tennessee Code Annotated, Section 55-50-321(a), is amended by adding the language ", intermediate driver license," between the language "instruction permit" and the language "and photo identification".

SECTION 8. Tennessee Code Annotated, Section 55-50-322(a)(1)(A), is amended by inserting the language ", intermediate driver license" between the words "The department shall examine every applicant for a driver license" and the words "or learner permit".

SECTION 9. Tennessee Code Annotated, Section 55-50-322(a)(2), is amended by inserting the words "or intermediate driver license" between the words "applicants for a driver license" and the words "shall include questions concerning drugs and alcohol".

SECTION 10. Tennessee Code Annotated, Section 55-50-323, is amended by adding the following language as a new, appropriately designated subsection:

(_) For the purposes of this section, "driver license" includes intermediate driver license.

SECTION 11. Tennessee Code Annotated, Section 55-50-332(a), is amended by inserting the language ", intermediate driver license" between the words "In the event that a learner permit" and the words "or driver license".

Amendment No. 2 to HB3168

**Kisber
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FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 3210

House Bill No. 3168*

SECTION 12. Tennessee Code Annotated, Section 55-50-351, is amended by deleting the first sentence of such section in its entirety and by substituting instead the following:

Every licensee shall have such licensee's license in immediate possession at all times when operating a motor vehicle and shall display it upon demand of any officer or agent of the department or any police officer of the state, county or municipality, except that where the licensee has previously deposited the license with the officer or court demanding bail, and has received a receipt from the officer or the court, the same is to serve as a substitute for the license until the specified date for court appearance of licensee or the license is otherwise returned to the licensee by the officer or court accepting the same for deposit.

SECTION 13. The commissioner is authorized to promulgate rules and regulations to effectuate the provisions of this act.

SECTION 14. This act shall only take effect if sufficient funds to implement the provisions of this act are included in the general appropriations act for the fiscal year in which this act becomes effective.

SECTION 15. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 16. This act shall take effect July 1, 2001, the public welfare requiring it.

Amendment No. 2 to HB3168

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